

**CITY OF MILPITAS PLANNING COMMISSION
FINAL AGENDA FOR FEBRUARY 13, 2008
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. OATH OF OFFICE FOR NEW COMMISSIONER:** Alex Galang
- III. ROLL CALL**
- IV. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- V. APPROVAL OF MINUTES:** January 23, 2008
- VI. ANNOUNCEMENTS**
- VII. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VIII. APPROVAL OF THE AGENDA**
- IX. CONSENT CALENDAR (Items with an asterisk *)**

At this time any member of the Planning Commission, member of the audience, or staff may request of the Planning Commission to have any item removed from or added to the consent calendar. If removed, this item will be discussed in the order which it appears on the agenda.

X. PRESENTATION

- 1. MILPITAS PARKING TASK FORCE TASK 2 TECHNICAL MEMORANDUM:** Presentation of the Parking Task Force Task 2 Technical Memorandum which focuses on the comparison of the City's off-street parking requirements to other local agencies requirements and national standards. Staff Contact: Joe Oliva, (408) 586-3290. *(Recommendation: Note, Receipt and File)*

XI. PUBLIC HEARING

- 2. "S" ZONE AMENDMENT NO. SZ08-0002:** A request to amend a special condition of approval, No. 23a, relating to construction noise for the Aspen Family Apartments, a residential project of 101 apartments at 1666 South Main Street (APN: 086-22-023), zoned Multi-Family Very High Density with an "S" Zone Overlay (R4-S). The request is to allow project construction to occur on Saturdays and Sundays between 7 a.m. and 6 p.m. Applicant: Global Premier. Staff Contact: Cindy Maxwell, (408) 586-3287. (PJ# 3199) *(Recommendation: Adopt Resolution 08-007 for approval)*

3. **ZONING AMENDMENT NO. ZA08-0001:** A consideration of amendments to the zoning ordinance, sign ordinance and open government ordinance texts. The City proposes to amend the zoning ordinance, sign ordinance and open government ordinance as follows: **Amending the Zoning Ordinance by:** 1) clarifying Section 42, "S" Combining District and streamlining the entitlement review process by; a) renaming "Combining" to "Overlay"; b) renaming the "S" Zone entitlement to "Site Development Permit" and creating a "Minor Site Development Permit" for Planning Commission Subcommittee projects; c) requiring only certain types of roof materials be reviewed by said Subcommittee, with other roof reviewed by staff; d) requiring only significant decorative amenities be reviewed by said Subcommittee, with other minor features reviewed by staff; e) requiring only additional light standards within non-residential zones adjacent to residential areas be reviewed by said Subcommittee; f) require only chain link fencing be reviewed by said Subcommittee; g) requiring that all single family and duplex residential additions be reviewed by staff and all multi-family residential additions greater than 200 square feet be reviewed by said Subcommittee; h) require that above ground equipment be reviewed by staff; 2) requiring model home projects to be reviewed by staff; 3) requiring only food supermarkets located within 2,000 feet of residential development to require a Conditional Use Permit (projects outside 2,000 feet of residential development may be reviewed by staff); 4) allowing staff to review stealth designed wireless facilities; and 5) ensuring internal consistency within the ordinance through ancillary text amendments. **Amending the Sign Ordinance by:** 1) allowing freestanding signs under six feet to be reviewed by staff and 2) allowing signs for single-tenant buildings to be reviewed by staff. **Amending the Open Government Ordinance by:** 1) increasing the public notification radius for General Plan Amendments, Zoning Amendments, Conditional Use Permits and Environmental Impact Report to 1,000 feet; 2) increasing the public notification radius for Variances to 500 feet; 3) require at least one community meeting for General Plan Amendments, Zoning Amendments and Environmental Impact Reports; and 4) require the City to provide a ¼ page advertisement in a local newspaper for General Plan Amendments, Zoning Amendments, Conditional Use Permits and Variances. Applicant: City of Milpitas. Staff Contact: Sheldon S. Ah Sing, (408) 586-3278. *(Recommendation: Adopt Resolution 08-006, recommending approval to the City Council)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

XII. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS February 27, 2008

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Cliff Williams-regular member, Noella Tabladillo-regular member, Gunawan Ali-Santosa-alternate member) of the Planning Commission, who have approval authority for minor "S" Zone project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. **"S" ZONE AMENDMENT NO. SA07-0007:** A request to remove two existing monument signs and install one 5'-11" and one 3'-10" double faced illuminated monument signs located near the Foothill Square Shopping Center driveway entrances at 361 Jacklin Road (APN: 26-28-029), zoned Neighborhood Commercial (C1). Applicant: Sean Keller. Staff Contact: Cindy Hom (408) 586-3284.
(Recommendation: Approval Subject to Findings and Conditions of Approval)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE** at the City Attorney's office at the Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035.

E-mail: mogaz@ci.milpitas.ca.gov

Fax: (408) 586-3030

Phone : (408) 586-3000

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov Select Open Government Ordinance under News Features